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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,803	05/31/2000	Kurt William Otte	RCA 88740	4329

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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/585,803

Examiner

Lawrence B Williams

Applicant(s)

OTTE ET AL.

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 March 2004.
2. ☒ The allowed claim(s) is/are 1, 3-15, renumbered as 1-14, respectively.
3. ☒ The drawings filed on 31 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Examiner suggests applicant replace the word "and" with "an" in line 15 of page 6.

Appropriate correction is required.

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Casier et al. (A Pulse Position Modulation Transmission System for Remote control of a TV Set).

Casier et al. discloses in Fig. 2(a), a signaling apparatus, comprising: data input means (keyboard) for receiving user input; a memory (R1, R2) having signaling data stored therein; a processor (E1, E2), coupled to the memory and the data input means, for generating a signal

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sequence in response to a user input, the signal sequence comprising a 5 pulse position modulated (5PPM) signal; a modulator (PPM), coupled to the processor, for modulating the signal sequence onto a carrier signal; a transmitter, coupled to the modulator, for transmitting the modulated signal sequence, including the 5 pulse position modulated signal (pg. 802, III. A. Operating Principle).

(2) With regard to claim 6, Casier et al. also discloses in Fig. 1, wherein the input means comprises a keyboard.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casier et al. (A Pulse Position Modulation Transmission System for Remote control of a TV Set) as applied to claim 1 above, in view of Chung (US Patent 6,542,149 B1).

(1) With regard to claim 3, as noted above, Casier et al. discloses all limitations of claim 1. Casier et al. does not however disclose, wherein the signal sequence is defined by a signaling protocol having a header portion and a payload portion.

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However, Chung teaches in Fig. 4, wherein the signal sequence is defined by a signaling protocol having a header portion and a payload portion (col. 4, lines 32-38).

One skilled in the art would have clearly recognized that a PPM protocol wherein the signal sequence is defined by a signaling protocol having a header portion and a payload portion is a well-known technique introduced in many references. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to apply the method as taught by Chung to the invention of Casier as a method of transmitting wireless data to a host system without the loss of data (col. 2, lines 44-50).

(2) With regard to claim 4, Chung also discloses wherein the header portion comprises a plurality of fields for defining the payload portion (col. 4, lines 32-53).

(3) With regard to claim 5, Chung also discloses wherein the payload portion is a variable bit stream (col. 5, lines 65-67).

(4) With regard to claim 7, Chung et al. also discloses wherein the signal sequence defines a position on a display of an image device (col. 6, lines 5-25).

Allowable Subject Matter

7. Claims 8-15 are allowed.

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter:

The instant application discloses an apparatus and method for providing control signals. Prior art reference disclose similar methods and apparatuses but fail to disclose a 5PPM scheme wherein each of the encoded symbols include a last position that is always set to a low bit.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 703-305-6969. The examiner can normally be reached on Monday-Friday (8:00-5:00) being out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Lawrence B. Williams

lbw

December 9, 2003


STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600